

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 15, 2012**

PRESENT: Tom Adams, Deb Brown, Bill Habein, J. J. Levenske, Cheri Seils, Scott Snyder and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISON: Nancy Adams

The meeting was called to order by Chair Seils at 6:01 p.m.

GROW ZONE EXPANSION:

Mr. Burslie explained the Planning Commission has spent the past several months inventorying various streets throughout the City. Only a fraction of the costs to replace is captured through taxes. This is not unique to Pequot Lakes. The City needs to find other sources to capture the difference.

We are focusing on North Washington Street; this analysis can be repeated throughout the City. On average, it costs \$75 per foot in Minnesota to replace a street; that is how they reached the maintenance cost.

On North Washington, the first block should recognize the existing businesses and their need for parking. Smaller driving lanes can be used further north in the residential areas.

Should the City contact owners of vacant properties encouraging them to subdivide their properties? They could be assessed as an incentive to develop them.

How do we get this into a budget for specific line item? The Street Department has a list of streets that need repair; where North Washington is on the list is unknown tonight. It was suggested to invite the Public Works Supervisor and/or that Department Liaison to an upcoming meeting to discuss their plans for street repair/replacement.

Mayor Adams stated the City needs to begin discussions for the three entries into the City from the new highway. She would like the Planning Commission to drive it and maybe have a subcommittee also involved, including business people, citizens, etc. This needs to be completed prior to the new highway construction. Staff was directed to place this on the January Planning Commission Agenda.

Chair Seils opened the Public Hearings.

PUBLIC HEARINGS:

APPLICANT: Steven and Ruth Quisberg

Applicants request Preliminary Plat of SuperValu Addition to Pequot Lakes

Mr. Burslie explained the Staff Report. Applicant was represented by Chad Connor, WSN. Platting of these parcels is a condition of a previous metes and bounds approval. The Preliminary Plat does not include the impervious coverage calculation. Applicant will provide an updated drawing; the proposed site plan provided indicates 49.9% impervious.

Preliminary Plat and Final Plat are being heard together tonight; the platting process is a formality. There currently are private roadways on the north and the south. The Developer Agreement states that the City will determine whether these roads remain private or not; the City Council would like a recommendation from the Planning Commission. Staff believes they should remain private, alleviating extra maintenance costs on the City's behalf. Applicant has not requested the City to take over the roadways.

Mr. Adams stated that the roadway to the north, as you get to the curvy part before the public street, drivers have cut across creating dirt driving lanes; this has also happened cutting the corner to Olson Street. He suggested SuperValu creating some type of barricade; it is a safety issue.

PUBLIC COMMENT: None.

Mr. Burslie stated that the conditions of Preliminary Plat have to be met prior to Final Plat. Mr. Connor stated if Final Plat isn't approved in December, applicants would probably wait until later next year to complete for tax reasons.

A motion was made by J. J. Levenske, seconded by Tom Adams, that the roadway to the north and to the south shall remain private. All members voted "aye". Motion carried.

It was the consensus of the Planning Commission that the dirt driving areas are not considered impervious.

It was also the consensus of the Planning Commission that the application meets the requirements; the only issue is the impervious coverage which will need to be under 50%. If it is not under 50%, a Variance would be the next step with a stormwater plan.

A motion was made by J. J. Levenske, seconded by Scott Snyder, to approve the Preliminary Plat of SuperValu Addition to Pequot Lakes, as submitted, based on the following Findings of Fact:

1. The subject property is properly zoned Commercial.
2. The lot width of the proposed parcel exceeds the minimum standard of 50 feet.

3. The lot area of the proposed lot exceeds the minimum buildable area of 10,000 square feet.
4. All of the existing structures on the proposed lot meet the setback requirements of the Commercial Zone.
5. The proposed lot is served by the municipal sanitary sewer and water systems. There is not a need for extensions for the proposed development.
6. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout is compatible with the existing layout of adjoining properties and the proposed lot lines are parallel and perpendicular to existing lot lines. Future development will not be constrained by the proposed lot layouts.
9. The proposed side lot lines are at right angles to the existing road line and the property lines of the adjacent properties.
10. The property contains more than the 33-feet of minimum frontage on public right-of-way.
11. The subject property meets the requirements of the code for stormwater management. There is not a proposal to increase impervious surface coverage.
12. There are no public streets proposed within the development.

All members voted “aye”. Motion carried.

APPLICANT: Steven and Ruth Quisberg

Applicants request Final Plat of SuperValu Addition to Pequot Lakes

Mr. Burslie explained the Staff Report. The Final Plat acknowledges all the conditions of Preliminary Plat have been met; since there were no conditions to the Preliminary Plat, the Planning Commission needs to make a recommendation to the City Council to approve the application. We still need to receive the Title Opinion from the attorney and the plat check. Those items will be submitted to Staff prior to the Council meeting.

PUBLIC COMMENT: None.

A motion was made by Bill Habein, seconded by Wesley Wilson, to approve the Final Plat of SuperValu Addition to Pequot Lakes, based on the following Findings of Fact:

1. The applicant has complied with all of the conditions of the conditional use permit. There were no conditions of the preliminary plat approval.
2. A plat check for the development has not been submitted to the City.
3. The City Attorney has not indicated that adequate title insurance has been provided to assure all parties with an interest are represented.
4. There are no required improvements with this subdivision.
5. An independent land surveyor has not verified that the final document meets the statutory requirements.
6. No financial security is required.

All members voted “aye”. Motion carried.

APPLICANT: Donald Babinski

Applicant requests a Conditional Use Permit for an Apartment Building

Mr. Burslie explained the Staff Report. The applicant was represented by Nancy Adams. Water and wastewater would need to be extended. The application meets the requirements for impervious coverage and a condition has been added for the applicant to demonstrate they can contain a 5-year, 24-hour storm event on the property. An additional draft condition requests landscaping meets minimum requirements.

Mr. Levenske asked if there were actual plans and calculations for stormwater and impervious coverage. Mr. Burslie stated that there were not, but 90% impervious coverage is allowed and a stormwater management plan is required as a condition.

PUBLIC COMMENT: None.

Nancy Adams stated Mr. Babinski is not requesting any Tax Increment Financing or any other subsidies.

A motion was made by Scott Snyder, seconded by J. J. Levenske, to approve the Conditional Use Permit request, based on the following Findings of Fact:

1. The proposed development, with conditions, is an appropriate conditional use in the Light Industrial Zone.
2. The proposed use conforms with the Comprehensive Plan as it is intended for residential purposes.
3. The neighborhood surrounding the subject property consists of high density residential, commercial, and light industrial uses. The proposed use is compatible with the surrounding neighborhood.
4. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency order, comfort, convenience, appearance, or prosperity of the City.
5. The proposed use will not be injurious to the use and enjoyment of surrounding property.
6. The proposed use, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant properties.
7. The proposed use will utilize the existing sanitary sewer and water utilities in the area and although there will be increased traffic on Olson Street the public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
8. The proposed use will be accessed by a private drive.
9. The proposed development contains adequate off-street parking.
10. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
11. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.

12. The proposed use, with conditions, will promote the prevention and control of pollution of ground and surface waters. All stormwater generated on the subject property will be contained onsite.

Subject to the following Conditions:

1. A professional stormwater management plan showing containment of the 5-year, 24-hour storm event on the parcel shall be submitted to the City and implemented.
2. A minimum of 10% of the land area of the parcel shall be landscaped with a combination of grass or other approved ground cover, shrubs, tree and ornamental landscaping. The landscaping shall be maintained and kept free of weeds and debris.
3. The development shall be connected to the municipal sewer and water utilities.

All members voted “aye”. Motion carried.

Nancy Adams noted that Mr. Babinski is aiming at 55 years of age or older, but may need to lower the age to 50.

Chair Seils closed the Public Hearings.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None

NEW BUSINESS:

a. Metes and Bounds Subdivision, Donald Babinski

Mr. Burslie explained the Staff Report. Applicant was represented by Nancy Adams.

Ms. Brown stated that it was an odd shape for a subdivision. Mr. Burslie agreed, stating we usually see 90 degree angles, etc., but because of what has been built there already, this needs a different type of configuration. It meets the minimum lot size.

A motion was made by Deb Brown, seconded by J. J. Levenske, to approve the metes and bounds subdivision, based on the following Findings of Fact:

1. The subject property is properly zoned Light Industrial.
2. The lot width of the proposed and remnant parcel both meet the minimum standard of 50 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Light Industrial Zone.
4. All existing structures on the remnant parcel meet setback requirements. There are no existing structures on “Tract A.”
5. The subject property is adjacent to the municipal water and wastewater utilities.

6. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property.
10. The property contains more than 33-feet of frontage on public right-of-way.
11. The subject property, with conditions, meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

Subject to the following Conditions:

1. A legal document shall be prepared and filed at the County granting access to the newly created property from the adjacent property's private driveway.
2. A professional stormwater management plan showing containment of the 5-year, 24-hour storm event on the parcel shall be submitted to the City and implemented.

All members voted "aye". Motion carried.

OLD BUSINESS: None.

APPROVAL OF MINUTES:

A motion was made by Scott Snyder, seconded by Deb Brown, to approve the October 18, 2012 Minutes as read. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Bittner noted tonight would be the last meeting for Bill Habein and Tom Adams as each had fulfilled their 3-term limit. The Planning Commission thanked them for their many years of public service.

Bittner pointed out the ten permits issued and the four letters sent. The permit applications through October, 2012 are 61, compared with 52 for 2011. The correspondence from the October meeting was included for review.

Mr. Adams inquired how many permits had been over-the-counter and how many came to the Planning Commission. Bittner will include those numbers at the end of the year.

Mr. Adams also encouraged the Planning Commission to send the Comprehensive Plan back to the City Council.

Mayor Adams asked the Planning Commission to look at Breezy Point's ordinance as it pertains to chickens. She had been told that they allow chickens in residential areas.

Bittner pointed out that they are allowed in Breezy Point only in certain zoning districts. The Planning Commission pointed out that our ordinance allows chickens in certain zoning districts also.

Mr. Burslie noted that Chuck Marohn had not been at meetings lately. He has been traveling with Strong Towns, a nonprofit organization explaining our current pattern of development is not sustainable. Mr. Burslie is filling in for him and will be our first point of contact. Mr. Marohn is still involved, just not as much.

There were no Potential Violations/Enforcement Actions discussed.

ADJOURNMENT:

A motion was made by Scott Snyder, seconded by Tom Adams, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator